

AMENDED IN SENATE JULY 16, 2001

AMENDED IN SENATE JULY 2, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 973

Introduced by Assembly Member Chan

February 23, 2001

An act to amend Section 6276.10 of the Government Code, and to amend Section 130140.1 of the Health and Safety Code, relating to child health.

LEGISLATIVE COUNSEL'S DIGEST

AB 973, as amended, Chan. County children and families commissions: information disclosure.

(1) Under the existing California Children and Families Act of 1998, a county may elect to participate in the California Children and Families Program, by forming a county children and families commission, in accordance with the provisions of the act, to promote, support, and improve the early development of children from the prenatal stage to 5 years of age.

This bill would provide that specified information regarding a child or a child's parent, legal guardian, or other family member, that is provided to a county commission by specified persons shall be considered confidential, and may be disclosed only to a person, agency, or entity that receives funding from the county commission by way of a grant award, contract, or as a service provider for early childhood services unless further disclosure is authorized by written consent of the

parent or legal guardian or where disclosure is required by state or federal law.

(2) An initiative measure, the act provides that it may be amended only by a vote of $\frac{2}{3}$ of the membership of both houses of the Legislature and that all amendments to the act shall be to further the act and must be consistent with its purposes.

This bill, in conformance with those requirements, would declare that its provisions further the act and are consistent with its purposes.

(3) Existing law provides for access to information, including inspection or copying of any public record within control of a state or local agency, concerning the conduct of people's business under the California Public ~~Record~~ *Records* Act. Existing law also makes specified public information exempt from disclosure.

This bill would add to the list of exemptions records of county children and families commissions.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6276.10 of the Government Code is
2 amended to read:
3 6276.10. Cancer registries, confidentiality of information,
4 Section 103885, Health and Safety Code.
5 Candidate for local nonpartisan elective office, confidentiality
6 of ballot statement, Section 13311, Elections Code.
7 Charter-Party Carriers, unauthorized disclosures by
8 commission, Section 5412.5, Public Utilities Code.
9 Child abuse information, exchange by multidisciplinary
10 personnel teams, Section 830, Welfare and Institutions Code.
11 Child abuse information reported to Department of Justice,
12 confidentiality of, Sections 11107.5 and 11169, Penal Code.
13 Child abuse report and those making report, confidentiality of,
14 Sections 11167, 11167.5, and 11174.3, Penal Code.
15 Child care liability insurance, confidentiality of information,
16 Section 1864, Insurance Code.
17 Child concealer, confidentiality of address, Section 277, Penal
18 Code.
19 Child custody investigation report, confidentiality of, Section
20 3111, Family Code.



1 Child day care facility, nondisclosure of complaint, Section
2 1596.853, Health and Safety Code.

3 Child health and disability prevention, confidentiality of health
4 screening and evaluation results, Section 124110, Health and
5 Safety Code.

6 Child support, confidentiality of income tax return, Section
7 3552, Family Code.

8 Child support, promise to pay, confidentiality of, Section 7614,
9 Family Code.

10 Childhood lead poisoning prevention, confidentiality of blood
11 lead findings, Section 124130, Health and Safety Code.

12 Children and families commission, local, confidentiality of
13 individually identifiable information, Section 130140.1, Health
14 and Safety Code.

15 Cigarette tax, confidential information, Section 30455,
16 Revenue and Taxation Code.

17 Civil actions, delayed disclosure for 30 days after complaint
18 filed, Section 482.050, Code of Civil Procedure.

19 Closed sessions, meetings of local governments, pending
20 litigation, Section 54956.9, Government Code.

21 Closed sessions, multijurisdictional drug enforcement
22 agencies, Section 54957.8, Government Code.

23 Colorado River Board, confidential information and records,
24 Section 12519, Water Code.

25 Commercial fishing licensee, confidentiality of records,
26 Section 7923, Fish and Game Code.

27 Commercial fishing reports, Section 8022, Fish and Game
28 Code.

29 Community care facilities, confidentiality of client
30 information, Section 1557.5, Health and Safety Code.

31 Community college employee, candidate examination records,
32 confidentiality of, Section 88093, Education Code.

33 Community college employee, notice and reasons for
34 nonreemployment, confidentiality, Section 87740, Education
35 Code.

36 SEC. 2. Section 130140.1 of the Health and Safety Code is
37 amended to read:

38 130140.1. (a) In the event a county elects to participate in the
39 California Children and Families Program, and satisfies the

requirements set forth in Section 130140, the county may establish a county commission that is either of the following:

(1) A legal public entity separate from the county.

(2) An agency of the county with independent authority over the strategic plan described in Section 130140 and the local trust fund established pursuant to subparagraph (A) of paragraph (2) of subdivision (d) of Section 130105.

(b) In the event a county elects to establish a county commission as specified in paragraph (1) of subdivision (a), the following conditions shall apply:

(1) The county commission shall be considered a legal public entity separate from the county, and shall file a statement as required by Section 53051 of the Government Code.

(2) The powers, duties, and responsibilities of the county commission shall include, but shall not be limited to, the following:

(A) The power to employ personnel and contract for personal services required to meet its obligations.

(B) The power to enter into any contracts necessary or appropriate to carry out the provisions of this division.

(C) The power to acquire, possess, and dispose of real or personal property, as necessary or appropriate to carry out the provisions and purposes of this division.

(D) The power to sue or be sued.

(3) The county commission shall be deemed to be a public agency that is a unit of local government for purposes of all grant programs and other funding and loan guarantee programs.

(4) Any obligations of the county commission, statutory, contractual, or otherwise, shall be obligations solely of the commission.

(5) All claims or actions for money or damages against a county commission shall be governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code, except as provided by other statutes or regulations that expressly apply to county commissions.

(6) The county commission, its members, and its employees, are protected by the immunities applicable to public entities and public employees governed by Part 1 (commencing with Section 810) and Part 2 (commencing with Section 814) of Division 3.6

1 of Title 1 of the Government Code, except as provided by other
2 statutes or regulations that apply expressly to the county
3 commissions.

4 (7) If a county board of supervisors elects not to continue the
5 county's participation in the California Children and Families
6 Program, the board shall adopt an ordinance terminating the
7 county commission.

8 (A) In terminating its county commission, the board of
9 supervisors shall allow, to the extent possible, an appropriate
10 transition period to allow for the county commission's
11 then-existing obligations to be satisfied.

12 (B) In event of termination, any unencumbered and
13 unexpended moneys remaining in the local Children and Families
14 Trust Fund shall be distributed pursuant to subdivision (e) of
15 Section 130140.

16 (C) Prior to the termination of the county commission, the
17 board of supervisors shall notify the state Children and Families
18 Commission of its intent to terminate the county commission.

19 (D) The liabilities of the county commission shall not become
20 obligations of the county upon either the termination of the county
21 commission or the liquidation or disposition of the county
22 commission's remaining assets.

23 (c) If a county elects to establish a county commission as
24 provided in paragraph (2) of subdivision (a), the county
25 commission shall be deemed to be an agency of the county with
26 independent authority over the strategic plan described in Section
27 130140 and the local Children and Families Trust Fund established
28 pursuant to subparagraph (A) of paragraph (2) of subdivision (d)
29 of Section 130105.

30 (d) Any county commission established prior to the effective
31 date of this section that substantially complies with the provisions
32 of either subdivision (b) or (c) shall be deemed to be in compliance
33 with this section.

34 (e) (1) Individually identifiable physical or mental health
35 information, substance abuse information, child care or education
36 information, personnel or employment information, financial
37 information, criminal justice information, or demographic
38 information, regarding a child or a child's parent, legal guardian,
39 or other family member, that is provided to a county commission
40 by a parent, legal guardian, family member, health care provider,

1 health plan, public health authority, school, law enforcement
2 agency, social services agency, probation agency or any other
3 source, shall be considered confidential, and may be disclosed
4 only to a person, agency, or entity that receives funding from the
5 county commission, by way of a grant award or contract or as a
6 service provider for the provision of early childhood services, and
7 only to the extent necessary to the provision of services, unless
8 further disclosure is authorized by a written consent of the parent
9 or legal guardian, or where disclosure is required by state or
10 federal law.

11 *(2) Confidential information identified in accordance with this*
12 *section shall not be subject to disclosure under the California*
13 *Public Records Act (Chapter 3.5 (commencing with Section 6250)*
14 *of Division 7 of Title 1 of the Government Code.*

15 SEC. 3. The Legislature finds and declares that this act
16 furthers the California Children and Families Act of 1998 enacted
17 by Proposition 10 at the November 3, 1998, general election, and
18 is consistent with its purposes.

